

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Williams, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Fish, Halliday, Zermefio
CHAIRPERSON Williams
Absent: COMMISSIONER None

Staff Members Present: Anastas, Anderly, Looney, McClellan, Nakatsu

General Public Present: Approximately 15

PUBLIC COMMENT - None made

AGENDA

1. Tentative Tract Map 6993/Site Plan Review & Variance 98-130-20 - Grand Homes LLC/Paul Wong (Applicant/Owner) - Request to subdivide a 0.58+-acre parcel and construct 5 detached residential condominiums, for approval of the design of the single-family structures, and a variance to allow a buttress wall (maximum 7 feet high) enclosing a private open space area within the required side yard where a maximum 6-foot height is permitted. *The property is located at 22879 Grand Street westerly side, approximately 170 north of Dean Street within the RM (Medium Density Residential) District.*
2. Use Permit Application 99-160-07 - Mr. & Mrs. Ivo Ascani (Applicant/Owner) - Request for use permit to continue operation of a large group home for 20 residents. *The property is located at 22240 Montgomery Street in an RM (Medium-Density Residential) District.*

PUBLIC HEARINGS

1. Tentative Tract Map 6993/Site Plan Review & Variance 98-130-20 - Grand Homes LLC/Paul Wong (Applicant/Owner) - Request to subdivide a 0.58+-acre parcel and construct 5 detached residential condominiums, for approval of the design of the single-family structures, and a variance to allow a buttress wall (maximum 7 feet high) enclosing a private open space area within the required side yard where a maximum 6-foot height is permitted. *The property is located at 22879 Grand Street westerly side, approximately 170 north of Dean Street within the RM (Medium Density Residential) District.*

Senior Planner McClellan reported that the primary difference between this project and one previously approved for the property is that this project will include condominiums for home ownership of the dwellings. He indicated that garbage trucks would have limited access to the property but accommodation would be made; also fire trucks would not be able to turnaround in the limited area provided. A Homeowner's Association would be developed to take responsibility for a number of issues in the project. He asked for the Conditions of Approval to be amended to delete #2, revise #5 to City of Hayward Standard Detail SD-110, [add] page 1 of 2. Delete #33, in Exhibit E, delete #8.d.

Commissioner Bogue asked whether Tract's private street would be a candidate to become a public street at some future date and how that may relate to the proposed cross-section.

Senior Planner McClellan stated that the City would not take over a street like this, since it is designed to be maintained as a private street.

Commissioner Halliday expressed concern about impacts on the nearest house to the north on Grand Street. She asked whether there was adequate separation for privacy since they seemed so close.

Senior Planner McClellan explained that both were over the minimum five-foot setback required by the City.

Commissioner Halliday also wondered whether the numbers of homes associations approved by the City recently with only 5 homes have proved adequate to the responsibilities they have been assigned.

Senior Planner McClellan answered that they seem to be working. Each month a set aside is charged to the homeowners for fees to pay for maintenance and other requirements.

Commissioner Zermeno asked why a masonry wall was not being required around the whole perimeter of the property.

He was told that City policy calls for masonry walls between driveway parking areas and adjoining parcels, but that masonry is not required along other property lines where noise is not an issue.

The Public Hearing Opened at 7:52 p.m.

Paul Wong, 184 Thirteenth Street, Suite 3, Oakland, applicant explained that this proposal is better in all aspects than the original proposal. The quality of the stucco siding product will outlast many other new projects in the City.

Jerry Gonzales, 26229 Eden Landing Road, civil engineer for the project, asked that the condition of approval for another fire hydrant be amended to include "on the advice of the Fire Marshall." He said he had measured the length from the hydrants presently situated on the Street and they should be adequate to the needs of the complex. They are already required to provide a fire hydrant on the private street. The units will all be sprinkled except for Unit #1 which is accessible to the Fire Department from Grand Street.

In response to a question from Commissioner Bogue, Bill Poon, 1250 Addison Street, Suite 210, Berkeley, the project architect, described the latticework on the wall for plants.

Public Hearing Closed at 7:59 p.m.

Commissioner Fish **moved**, seconded by Commissioner Zermeno, to approve the project as recommended by staff with an amendment to include a change on Condition 7, to preclude installing a new fire hydrant until the Fire Marshall determines necessity. The motion passed unanimously.

2. Use Permit Application 99-160-07 – Mr. & Mrs. Ivo Ascani (Applicant/Owner) – Request for use permit to continue operation of a large group home for 20 residents. *The property is located at 22240 Montgomery Street in an RM (Medium-Density Residential) District.*

Development Review Services Administrator Anderly outlined the history of the building and the neighborhood and reminded commissioners that the Americans With Disabilities Act includes a mandate for the elimination of discrimination against individuals with disabilities. The fact that it

was originally approved as a home for the elderly does not mean there has to be any further notice in the neighborhood as to the change in the type of clientele who are also classified as disabled. She outlined the parameters for approval of the use permit. During deliberation, the Commission was cautioned not to consider any factors that are inconsistent with the ADA.

Public Hearing Opened at 8:06 p.m.

Dave & Marian Kolm, 22236 Montgomery Street, neighbors of the property, said the property is clean but 20 residents are too many people for the amount of space available. She said it is feasible as a residential home but with that number of people, it becomes an institution. She said the neighborhood had been disturbed by police calls to the home that involved batteries between residents.

When asked for further information on both the police calls and the batteries, Mrs. Kolm admitted that she knew nothing more. She added that she and her husband had collected a total of 20 signatures with-in a 2-hour period from neighbors, who do not agree with the request for a permit application for a large group home for twenty clients.

Pearl Arhontes, 21603 Independent School Road, Castro Valley, said her family has property on Pearce directly behind the home. She said there have been problems in the neighborhood from the number of resident already living in the home. She opposed increasing the number from 16 to 20. She said the previous Building Inspector had said the property could not accommodate more than 16 residents.

Development Review Services Administrator Anderly said that, at an earlier time, the home had been approved for 20 residents but the owner changed it to 16.

Nader & Fara Qureshi Kury, 3060 Todd Court, Castro Valley, both are licensed therapists and took over the property in 1997. The Fire Department has approved the house for 20 residents. She said she is trying to address issues as they come up. She answered a number of questions from Commissioners to explain the staffing at the facility as well as their qualifications.

The Public Hearing Closed at 8:40 p.m.

Commissioners asked for further clarification on the requirements for establishing a group home in the City.

Commissioner Fish **moved**, seconded by Commissioner Bennett to approve the staff recommendations for the use permit application. The **motion passed 7:0**.

Commissioner Caveglia commented that it is a difficult decision since it is a business and it does affect the neighborhood. He asked how many belong in one neighborhood.

Chairperson Williams added that the Commission is confined in what they do. He said he empathized with the community.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters - None made
4. Commissioners' Announcements, Referrals

Commissioner Bennett suggested it might be appropriate for the City to look at distinguishing among institution, group home and health facility.

Chairperson Williams asked how many unrelated adults can live in a single-family residence. One house in his neighborhood has installed 7 different phone lines. At what point doesn't this become a business?

Commissioner Halliday urged the City to find ways to support the formation and continuance of Neighborhood Associations to deal with community problems.

She also asked for an update on the Shaeffer Park Shopping Center.

ADJOURNMENT

The meeting was adjourned in memory of John Pappas at 8:56 p.m.

APPROVED:

Jerry Caveglia, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary